

RELOCATION ASSISTANCE

A Homeless Prevention Tool

History

The first federal urban renewal program began with the passing of the Housing Act of 1937, which was a redevelopment program to provide Federal aid to municipal housing authorities for low-income housing. This was followed by the Urban Renewal Program, which had its origin in the Housing Act of 1949. This later legislation allowed clearance of low-income housing and small buildings in downtown areas so that central business districts and public institutions, universities, and hospitals could be expanded and enhanced. The requirement that assistance be provided to persons displaced from their homes came about as a result of the urban renewal programs of the late 50's and 60's.

The writers of these early laws and regulations did not foresee the hardship that the residents and businesses which were forced to move from these "renewal" projects would suffer. The treatment of those affected by these Federally assisted clearance programs led to lawsuits and demonstrations by those who were displaced.

The conflicts and issues that arose from these early programs resulted in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, commonly known as the URA, or the Uniform Act, enacted by Public Law 91-646 on January 2, 1971. This legislation provides services, financial support and protection for residential and business owners or tenants who are displaced as a result of a State agency acquiring their property for a project where Federal funds were used in the acquisition.

After this legislation became law, Federal agencies prepared their own compliance instructions in order to implement this legislation. This resulted in varying interpretations of the Act, including levels of assistance for those impacted, and the classification of eligible recipients. Persons forced from their homes where there was no direct Federal assistance in the acquisition of their property, or where the displacement came as the result of rehabilitation or demolition, were not covered under this early URA legislation.

The URA was amended by Public Law 100-17, enacted on April 2, 1987, to extend coverage to include all public and private agencies, for-profit and non-profit agencies, and individuals who acquire property with federal assistance. Along with acquisition, the "trigger" activities for displacement assistance were expanded to include displacements caused by both demolition and rehabilitation in projects where Federal funds are used, in whole or in part, in some phase or activity of a project. Because of the Uniform Act's expanded coverage, HUD's URA rule was canceled, business relocation assistance was improved, ceiling payments for fixed moving expenses for households were removed, and HUD, along with most other Federal agencies, became subject to the new government-wide implementing rules published by the Department of Transportation (the lead agency), and found in the Code of Federal Regulations at 49 CFR Part 24.

Why is the URA important?

All too often the occupants of our country's substandard housing which is ripe for renewal are among our nation's most needy. They occupy such units not by choice, but because they cannot afford, or are unable to meet the occupancy standards or admission criteria of, decent, safe, and sanitary (DS&S) market rate housing. The advisory services available under the URA can provide the necessary support to assist these individuals to locate, apply for, and move to decent safe and sanitary housing. The housing assistance required by the URA enables such persons to be rehoused in a unit that is DS&S and provides replacement housing assistance payments to make such housing affordable for several years (the payment formula is based on needs for a 42-month period). Without such assistance, these "displaced persons," could be left without any housing options at all, and, as a consequence, could be *forced* into becoming homeless. Such a result is contrary to the mission and intent of HUD and its programs.

URA benefits

The URA provides many benefits to displaced persons and businesses to enable them to find suitable replacement homes or business locations, including:

Advisory Services:

- Explanation of relocation benefits
- Explanation of eligibility and procedures for obtaining benefits
- Referrals to comparable replacement dwellings
- Provide transportation to potential replacement dwellings
- Inspection of comparables to assure they meet DS&S
- Provide information on Section 8 or other subsidy programs
- Assist in making application for subsidy programs
- Explain fair housing rights and assist if a complaint must be filed
- Keep the individual informed of date they must vacate
- Assist in completing relocation claim forms
- Provide counseling and referrals to welfare assistance agencies, job training, drug or alcohol treatment, child care providers, voter registration, utility transfers, etc.

Financial Assistance

- Packing supplies or services and unpacking services
- Moving of furniture and personal items
- Insurance for goods and/or reimbursement for lost, broken items due to the move
- Provide a loan for security or utility deposits, when necessary
- Replacement Housing Payment (a differential payment made to off-set any increases in rent or utilities due to the move—based on a 42 month period)
- Storage of furniture or personal items for up to 12 months, if necessary

- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and/or other personal property
- Credit check costs

HUD Responsibility

The Department has a responsibility to ensure that its programs do not lead to temporary or chronic homelessness due to lax application or enforcement of the provisions of the URA. Since many of HUD's projects involve the acquisition, demolition or rehabilitation of occupied properties, the advisory services, moving assistance, and replacement housing assistance required by the URA for owner- and tenant-occupied properties directly supports both the intent of the URA and HUD's own mission to reduce homelessness.

All program areas must play a role in ensuring that HUD programs which were designed to improve the condition of housing and community or economic development contribute to the continued well-being and improved housing conditions for all persons affected by our programs. When displacement is necessary, program staff must ensure that recipient agencies provide the affected person(s) with comparable and affordable decent, safe, and sanitary replacement housing.

HUD staff will be proactive when working with recipient agencies to assure that the protections required by the URA are provided and that displaced persons are adequately rehoused.

HUD Relocation Resources

HUD has published several useful brochures to describe the assistance which is available under the URA and section 104(d) of the Housing and Community Development Act of 1974 for use by HUD staff, grantees, and individuals affected by relocation actions:

- When a Public Agency Acquires Your Property (HUD-1041-CPD)
- Relocation Assistance to Tenants Displaced from Their Homes (HUD-1042-CPD)
- Relocation Assistance to Displaced Businesses, Nonprofit Organizations and Farms (HUD-1043-CPD)
- Relocation Assistance to Displaced Homeowners (HUD-1044-CPD)
- Relocation Assistance to Persons Displaced from Their Homes (Section 104(d)) (HUD-1365-CPD)

HUD has translated all five brochures into Spanish. Each Spanish version has the same brochure number followed by (-1):

- Cuando Una Agencia Publica Adquiere Su Propiedad (HUD-1041-CPD-1)

- Asistencia Para La Reubicación a Inquilinos Desplazados de Sus Hogares (HUD-1042-CPD-1)
- Asistencia Para La Reubicación a Negocios, Organizaciones No Lucrativas y Granjas Desplazados (HUD-1043-CPD-1)
- Asistencia Para La Reubicación a Propietarios de Vivienda Desplazados (HUD-1044-CPD-1)
- Asistencia Para La Reubicación a Personas Desplazadas de Sus Viviendas (Sección 104(d)) (HUD-1365-CPD-1)

In addition, HUD Handbook 1378, Tenant Assistance Relocation and Real Property Acquisition will provide more specific guidance on relocation in many HUD programs, in addition, a special Notice was compiled on relocation in the Public and Indian Housing HOPE VI Program, Notice CPD-2-08.

These relocation resources are available from HUDCLIPS at:

http://www.hudclips.org/sub_nonhud/html/forms.htm or on the HUD Relocation website at: <http://www.HUD.gov/relocation> or printed copies can be ordered from the HUD Direct Distribution Center: 800-767-7468.